



Docket No.: SBNLV-10082

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By: 

Date: March 9, 2004

UNITED STATES IN THE PATENT AND TRADEMARK OFFICE

Applic. No. : 10/727,752
Applicant : Peter Dahmen
Filed : December 4, 2003
Art Unit : to be assigned
Examiner : to be assigned

Docket No. : SBNLV-10082
Customer No. : 24131

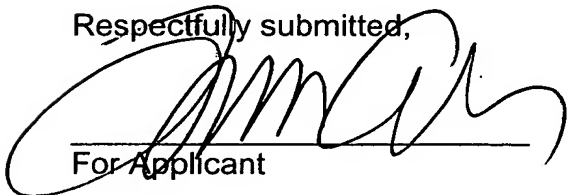
LETTER

Hon. Commissioner for Patents

Sir:

Enclosed please find a copy of the English translation of the International Preliminary Examination Report for the above-identified application. Please enter it into the file.

Respectfully submitted,


For Applicant

LAURENCE A. GREENBERG
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Date: March 9, 2004

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/bmb

PATENT COOPERATION TREATY

PCT
**NOTIFICATION OF TRANSMITTAL
 OF COPIES OF TRANSLATION
 OF THE INTERNATIONAL PRELIMINARY
 EXAMINATION REPORT**

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

LIEBL, Thomas
 Fauststrasse 30
 85051 Ingolstadt
 Germany

PATENTANWÄLTE NEUBAUER · LIEBL	
Eing.	27. FEB. 2004
LT:
VT:

Date of mailing (day/month/year) 18 February 2004 (18.02.04)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference K 10082 PCT	
International application No. PCT/EP02/02011	International filing date (day/month/year) 26 February 2002 (26.02.02)
Applicant VOLKSWAGEN AKTIENGESELLSCHAFT et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CN,JP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.89.75	Authorized officer M. OUCHOUKHI (Fax : 338 89 75) Telephone No. (41-22) 338 8566
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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K 10082 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2002/002011	International filing date (day/month/year) 26 February 2002 (26.02.2002)	Priority date (day/month/year) 06 June 2001 (06.06.2001)
International Patent Classification (IPC) or national classification and IPC B60R 21/20		
Applicant VOLKSWAGEN AKTIENGESELLSCHAFT		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>7</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 13 December 2002 (13.12.2002)	Date of completion of this report 10 June 2003 (10.06.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2002/002011

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages (1, 4-11)/(2, 3, 3a) _____, filed with the letter of (13.12.02)/(06.05.03)
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-20 _____, filed with the letter of 06 May 2003 (06.05.2003)
- ☒ the drawings:
 pages 1/3-3/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

The applicant has deleted the following features from Claim 1:

"gas channel (7, 52) which, at least in areas, is an integral component of the housing wall (51)"; and

"to form a low-profile housing".

However, these features were presented as necessary in the original disclosure and appear to be essential for the function of the invention in consideration of the problem it is intended to solve.

The deletion of these features introduces substantive matter which, contrary to PCT Article 19(2) and PCT Article 34(2)(b), goes beyond the disclosure in the international application as filed.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 02/02011

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-20	YES
	Claims		NO
Inventive step (IS)	Claims	2-20	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO

2. Citations and explanations**1. Prior art**

This report makes reference to the following documents:

D1: US-A-5 873 598 (YOSHIOKA KAZUHIKO ET AL.)

23 February 1999

D2: US-A-5 988 677 (JAHNKE HARALD ET AL.)

23 November 1999

D3: DE-U-298 03 233 (PETRI AG) 16 April 1998

(1998-04-16).

2. Novelty

Document D1 (e.g. Figure 12) is regarded as the closest prior art and depicts and describes a

"housing (2) for an air bag device (14), as a component of a passenger protection arrangement in motor vehicles, with at least one air bag (3), which is housed in an air bag receiving chamber (8) of the housing (2) and, in the non-activated normal position of the air bag device (14), is folded together in the air bag receiving chamber (8) and arranged behind a cover device (6), which covers, in the non-activated normal position, an air bag outlet opening

(21), which is designed in, forms, and is a component of a housing wall (8) of the air bag receiving chamber (8) and, in the activated state of the air bag device, said cover device releases the air bag outlet opening (21) to allow free expansion of the air bag (3), and with at least one corresponding gas generator (4), which is associated with said air bag and is received in a gas generator receiving chamber (7) of the housing (2), the air bag receiving chamber (8) being separated from the gas generator receiving chamber (7) by a shared dividing wall (51)".

In addition to these features, which form the preamble, the following characterizing features can also be read over at least the subject matter of document D1:

- a) the air bag receiving chamber (8), relative to the plane of the air bag outlet opening, is **(at least substantially)** laterally positioned next to the gas generator receiving chamber (7);
- b) the dividing wall (51) extends into the housing (2) to a lower housing wall area (i.e. the area above the gas generator (4)), which area is opposite the upper housing wall and thus the cover device (6), of the air bag receiving chamber (8);
- c) the lower housing wall area (i.e. the area above the gas generator (4)), from the perspective of the cross-section through the housing (2), together with a gas-generator receiving-chamber housing wall running parallel thereto (i.e. to the housing floor) on the housing side opposite the air bag outlet opening, with respect to the plane of the air bag outlet opening, form an approximately horizontally running gas channel section from the gas generator receiving chamber to the air bag receiving chamber such that the delivery of gas into the air bag (3)

occurs from the housing side opposite the plane of the air bag outlet opening and thus from beneath (through the opening (52)) in the exit direction of the airbag (i.e. the **right area** of the gas generator receiving chamber (7), which is disclosed in document D1 and represents a relatively wide gas channel, represents a gas channel, at least for the gas emerging from the right side of the gas generator (4), which leads to the air bag receiving chamber (8) via the adjacent section of upward-leading chamber (7)).

The subject matter of Claim 1 nevertheless differs from the housing disclosed in document D1 in that:

the dividing wall extends **away from the upper housing wall**, which forms the air bag outlet opening, **into the housing**.

Therefore, the following the application meets the criterion of PCT Article 33(2) because the subject matter of the only independent claim, Claim 1, is novel in the light of the prior art as defined in the Regulations (PCT Rule 64.1-64.3).

3. Inventive step

3.1 The subject matter of Claim 1 of the present application cannot be regarded as inventive (PCT Article 33(3)) for the following reasons:

The feature that the dividing wall extends **away from the upper housing wall**, which forms the air bag outlet opening, **into the housing** represents a minor structural modification of the housing depicted in Figure 12 of document D1, which would be straightforward for a person

skilled in the art, especially since the resulting effects would cause virtually no changes.

Thus, the subject matter of Claim 1 does not involve an inventive step and therefore does not meet the criterion of PCT Article 33(3).

4. Claims dependent upon Claim 1

Although document D2 (US-A-5 988 677) shows a columnar gas distributor which extends into a mid-region of an air bag receiving chamber, the housing construction is entirely different. However, the combination of features contained in dependent Claim 2 does not appear to be disclosed in or suggested by the available prior art.

Therefore, an independent Claim 1 containing these features would have met the requirements of PCT Article 33(3).

Claims 3-20 are dependent upon the combination of features contained in dependent Claim 2 and accordingly likewise meet the PCT requirements for novelty and inventive step.

5. Industrial applicability

The subject matter of Claims 1 to 20 appears to meet the requirements of PCT Article 33(4) since it seems that it can be made and used at least in the field of automotive engineering.

OBSERVATIONS

Although Claim 1 is in the proper two-part form, a number of features have been incorrectly included in the

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International application No.

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characterizing part of the claim (see point 2 above),
although they were disclosed in document D1 in conjunction
with the features defined in the preamble (PCT Rule
6.3(b)(i)).